

# INTERNATIONAL PRELIMINARY EXAMINATION REPORT



(PCT Article 36 and Rule 70)

Applicant's or agent's file reference PD020099	<b>FOR FURTHER ACTION</b> See Notification of Transmittal of International Preliminary Examination Report (Form PCT/PEA/416)	
International application No. PCT/EP 03/10801	International filing date (day/month/year) 29.09.2003	Priority date (day/month/year) 11.10.2002
International Patent Classification (IPC) or both national classification and IPC G11B27/034		
Applicant THOMSON LICENSING S.A. ET AL.		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.
  - ☒ This report is also accompanied by ANNEXES, i.e. sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of 2 sheets.

3. This report contains indications relating to the following items:
  - I ☒ Basis of the opinion
  - II ☐ Priority
  - III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
  - IV ☐ Lack of unity of invention
  - V ☒ Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
  - VI ☐ Certain documents cited
  - VII ☐ Certain defects in the international application
  - VIII ☐ Certain observations on the international application

Date of submission of the demand  15.04.2004	Date of completion of this report  26.11.2004
Name and mailing address of the international preliminary examining authority:   European Patent Office - P.B. 5818 Patentlaan 2 NL-2280 HV Rijswijk - Pays Bas Tel. +31 70 340 - 2040 Tx: 31 651 epo nl Fax: +31 70 340 - 3016	Authorized Officer  Mourik, J  Telephone No. +31 70 340-4243  

**INTERNATIONAL PRELIMINARY  
EXAMINATION REPORT**

International application No. **PCT/EP 03/10801**

**I. Basis of the report**

1. With regard to the **elements** of the international application (*Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to this report since they do not contain amendments (Rules 70.16 and 70.17)*):

**Description, Pages**

1-11 as originally filed

**Claims, Numbers**

1-7 received on 07.09.2004 with letter of 02.09.2004

**Drawings, Sheets**

1/1 as originally filed

2. With regard to the **language**, all the elements marked above were available or furnished to this Authority in the language in which the international application was filed, unless otherwise indicated under this item.

These elements were available or furnished to this Authority in the following language: , which is:

- ☐ the language of a translation furnished for the purposes of the international search (under Rule 23.1(b)).  
☐ the language of publication of the international application (under Rule 48.3(b)).  
☐ the language of a translation furnished for the purposes of international preliminary examination (under Rule 55.2 and/or 55.3).

3. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application, the international preliminary examination was carried out on the basis of the sequence listing:

- ☐ contained in the international application in written form.  
☐ filed together with the international application in computer readable form.  
☐ furnished subsequently to this Authority in written form.  
☐ furnished subsequently to this Authority in computer readable form.  
☐ The statement that the subsequently furnished written sequence listing does not go beyond the disclosure in the international application as filed has been furnished.  
☐ The statement that the information recorded in computer readable form is identical to the written sequence listing has been furnished.

4. The amendments have resulted in the cancellation of:

- ☐ the description, pages:  
☐ the claims, Nos.:  
☐ the drawings, sheets:

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5. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed (Rule 70.2(c)).

*(Any replacement sheet containing such amendments must be referred to under item 1 and annexed to this report.)*

6. Additional observations, if necessary:

**V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**

1. Statement

Novelty (N)	Yes: Claims	1-7
	No: Claims	
Inventive step (IS)	Yes: Claims	
	No: Claims	1-7
Industrial applicability (IA)	Yes: Claims	1-7
	No: Claims	

2. Citations and explanations

**see separate sheet**

**Regarding point V**

**D1:** EP-A-1103974

The subject-matter defined in claims 1-7 lacks an inventive step in the sense of Article 33(3) PCT.

D1 addresses the problem of synchronizing a further stream (sections [0050], [0051], fig.12: "aux data path") to a pre-recorded multiplex of data streams. To solve this problem, D1 prescribes a navigation file ("Playlist") to accompany an MPEG-2 transport stream, the navigation file comprising descriptors ("PlayItems"), and the navigation file achieving synchronization of both overlapping and time-sequential streams, i.e. main and auxiliary data streams.

Independent claims 1,7 differ from D1 in that they define *multiple* further streams ("multiple substream paths [...] being located out of said basic AV MPEG-2 transport stream") rather than a single further stream as in D1. However, the skilled person will consider the problem of how to extend the method of D1 for multiple further streams and he will consider the solution of extending the navigation file of D1, thereby arriving at the subject-matter of claims 1,7.

Hence, the subject-matter of claims 1,7 is obvious in view of D1.

For the same reasons, mutatis mutandis, the corresponding apparatus according to claim 6 lacks an inventive step in the sense of Article 33(3) PCT.

The remaining dependent claims add minor limiting features to the method of claim 1, all of which in so far as they are not explicitly disclosed in D1, relate to routine measures normally to be expected of the skilled person. Thus these claims also lack an inventive step in the sense of Article 33(3) PCT.

It is noted that the Blu-ray disc format, on which the only embodiment of the invention is based, is not available to the public.